IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5261 OF 2003

Smt. Rashidabi Mahemood
Ali Sayyad & Ors. . .. Petitioners.

vs.

Dr. (Mrs.) Shakila Yasin
Ali Saiyad & Ors. .. Respondents.

Mr. A.R. Shaikh for petitioners.
Mr. Ramesh Gite h/f Anil Kumar K. Patil
for respondent no.1..

CORAM : S.U. KAMDAR, J.
DATE : 12th December, 2005.

P.C.:

. The present petition is challenging the order dated 23.4.2001 by which the caveat of the petitioners has been rejected and the petitioners were directed to file civil suit. From the perusal of the order it is clear that the status of the petitioners as sisters of the deceased is under challenge and the trial court has come to the conclusion that in light of the fact that the relationship is not established, the caveat is not

maintainable and that if the petitioners are claiming still to be the real sisters of the deceased then in that event the issue must be decided by the Civil Court. In my opinion, there is no infirmity in the finding given by the trial Court. The impugned order is, therefore, sustainable. Petition dismissed. No order as to costs.